

REMARKS

In the Office Action, claims 1-20 were rejected. All of the claims are believed to be patentable in their current form. Reconsideration and allowance of all pending claims are requested

Paragraph 11 of the specification has been amended to incorporate the recitations claims 9, 10, 19, and 20 which were part of the original application. No new subject matter has been added.

Rejections Under 35 U.S.C. §112, First Paragraph.

In the Office Action, claims 1-20 were rejected under U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

The Examiner rejected claim 1 for not fulfilling the enablement requirement as claim 1 recites "*providing a master model and a context model specification*," while FIG. 1 shows "PROVIDE A MASTER MODEL," without specifically showing "*providing a context model*.". The Examiner had further argued that claim 1 recites "*creating a context model from said master model and said context model specification*" without having similar language in FIG. 1. However, Applicant has provided enough detail in the specification to teach providing a context model specification and creating a context model from the context model specification. The following is an excerpt from paragraph 11 of the specification (emphasis added), which clearly demonstrates the teaching provided in the application:

In the first step of the process, the master model is read from an initial storage medium into the CAD program as represented by block 90 in Figure 1. In the next step 100 of the invention, a user determines a *specified portion of master model (called the context model specification) to be copied into an associative model (called the context model)* and prepared for engineering analysis. (Emphasis added.)

Applicant respectfully submits that those skilled in the relevant art would find that the specification contains sufficient teachings to enable the invention as claimed in claim 1 to be readily made and used.

In formulating the rejection of claim 1, the Examiner further argued that certain recitations like “*automatically analyzing...providing...modifying...chunking...trimming*” are not enabled because adequate rules for the same were not provided in the specification. In response, Applicant notes that the exact rules and relationships governing these operations will certainly be specific to the particular field of application, for example, the particular component being modeled and analyzed, its geometry, and so forth. There is no requirement that the Applicant should provide an extensive list of how every situation will be treated because the invention does not involve any particular component.

As specifically stated in the MPEP §2164.05(b):

[w]hen an invention, in its different aspects, involves distinct arts, the specification is enabling if it enables those skilled in each art, to carry out the aspect proper to their specialty.

Applicant maintains that those skilled in the art would understand how to apply the steps of “*automatically analyzing...providing...modifying...chunking...trimming*” in their relevant art.

Further, the Examiner’s argument that such steps are not enabled is entirely inconsistent with his use of Official Notice. It is simply impossible that the claimed steps could, at the same time, require more teaching than that provided in the Applicant yet be so well known as to permit the use of Official Notice. Moreover, it should be noted that the Applicant has not claimed to have invented the separate operations of “*automatically analyzing...providing...modifying...chunking...trimming*”. However, although such

operations are well known in the art, no one skilled in the art has used them in a manner as claimed in the application.

The specification contains enough information to allow one skilled in the relevant art to replicate the steps as claimed without undue experimentation. As specifically stated in the MPEP §2164.01:

[t]he fact that experimentation may be complex does not necessarily make it undue, if the art typically engages in such experimentation.

Applicant further points out that those skilled in the art, who actually design machine components, particularly turbine disks, would readily understand the claim and be capable of carrying out the steps without undue experimentation. The Examiner's rhetorical reference to "*sterilizing soup*" completely misses the point. Both the Applicant and the undersigned decline to further such rhetoric, but would rely upon the clear meaning of the claim terms in view of the level of skill existing in the art.

In view of the above points, it is requested that the rejections of claims 1-20 under 35 U.S.C. §112, first paragraph, be withdrawn.

Rejections Under 35 U.S.C. §112, Second Paragraph.

In the Office Action, claims 1-20 were rejected under U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention.

In view of the arguments and clarifications set forth above, Applicant submits that, although not shown specifically in the figures, the specification distinctly points out the difference between a context model and a context model specification. Hence, it is requested that the rejection of claims 1-20 for being indefinite be withdrawn.

Rejections Under 35 U.S.C. §102.

In the Office Action claims 1 and 7 were rejected under 35 U.S.C. §102(e) as being anticipated by Rassaian (U.S. Patent No. 6,813,749).

The present application was filed on June 14, 2001. In fact the present application benefits from an even earlier filing date of September 5, 2000 (the date of filing of a provisional application serial no. 60/230,194).

The Rassaian reference was filed on February 12, 2002 and published on August 14, 2003. The 102(e) date of the Rassaian reference is therefore February 12, 2002.

Clearly, the Rassaian reference was not filed prior to the filing date or priority date of the present application. Hence, the Rassaian reference cannot be considered as prior art for the present application. It is therefore requested that the rejection of claims 1 and 7 under 35 U.S.C. §102(e) be withdrawn.

Challenge to the Examiner's use of Official Notice.

In the Office Action, the Examiner took Official Notice that associative copies, chunking, trimming, tagging, macros and finite difference are standard CAD/CAM/CAE techniques that are well known to one of ordinary skill in the art who is familiar with related commercial software packages. However, no basis whatsoever has been provided for either the underlying fact that these things were well known or that they could be combined with the teachings of the reference, even if these references could be considered as prior art. Accordingly, Applicant hereby challenges the use of the Official Notice.

Rejections Under 35 U.S.C. §103.

In the Office Action claims 2-6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rassaian in view of Official notice. Claims 9 and 10 were

rejected under 35 U.S.C. §103(a) as being unpatentable over Rassaian in view of Marcos (U.S. Patent No. 5,133,182). Claims 11-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rassaian in view of Official notice and Marcos.

In view of the above challenge to the use of Official Notice and in view of the fact that the Rassaian reference cannot be considered as prior art, it is requested that the rejections of claims 2-6 and 8-20 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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